

## INITIAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

### Chapter 90-200 (Title) and Section 90-200.1

#### Specific Purpose/Factual Basis:

Section 90-200.1 is adopted to state the purpose of the Supportive Transitional Emancipation Program (STEP) as delineated in Welfare and Institutions Code Section 11403.1. Also, a chapter title is adopted for clarity and consistency.

### Section 90-200.2

#### Specific Purpose/Factual Basis:

Section 90-200.2 is adopted to clarify that all civil rights laws, and the rules and regulations of Division 21 apply to this chapter. This adoption is necessary for clarity and consistency.

### Section 90-205

#### Specific Purpose/Factual Basis:

This section defines key terms used in the STEP Program.

### Section 90-205(d)(1)

#### Specific Purpose/Factual Basis:

This section is adopted to define “dependent” and is consistent with Welfare and Institutions Code, Section 300. Because Welfare and Institutions Code, Section 11403.1(b)(1) states that in order for a child to be eligible for STEP, they must have emancipated from Foster Care, it is necessary to define which children would be in Foster Care. A dependent child is one of the children who would be in Foster Care.

### Section 90-205(l)(1)

#### Specific Purpose/Factual Basis:

This section defines “legal guardian” and is consistent with the definition at Manual of Policy and Procedures (MPP) Sections 45-101(l)(1) and 90-101(l)(1). Because Welfare and Institutions Code, Section 11403.1(b)(1) states that in order for a child to be eligible for STEP, they must have emancipated from Foster Care or received Kin-GAP, it is necessary

to define which children would be in Foster Care or Kin-GAP. Children in legal guardianships are eligible for Foster Care and Kin-GAP under specified circumstances.

Section 90-205(r)(1)

Specific Purpose/Factual Basis:

This section defines “relinquishment” and is consistent with the definition at MPP Section 45-101(r)(2). Because Welfare and Institutions Code, Section 11403.1(b)(1) states that in order for a child to be eligible for STEP, they must have emancipated from Foster Care, it is necessary to define which children would be in Foster Care. Children who have been relinquished by their parents are eligible for Foster Care under specified circumstances.

Section 90-205(s)(1)

Specific Purpose/Factual Basis:

This section defines “Supportive Transitional Emancipation Program - Transitional Independent Living Plan (STEP - TILP).” This definition is based upon the definition of “written transitional independent living plan” at MPP Section 31-002(i)(1)(A). It is necessary to distinguish the STEP - TILP from the Foster Care TILP as they have different requirements and components.

The California Department of Social Services (CDSS) is incorporating by reference, pursuant to the California Code of Regulations, Title 1, Chapter 1, Section 20, the STEP 8 – Supportive Transitional Emancipation Program – Transitional Independent Living Plan (Step 8, Revision 8/02). This form is not printed in the CDSS Manual of Policies and Procedures because it would be cumbersome and impractical. However, this form is available from the Department at (916) 657-2586.

Section 90-205(t)(1)

Specific Purpose/Factual Basis:

This section defines “Termination of Parental Rights” and is consistent with the definition at MPP Section 45-101(t)(1). Because Welfare and Institutions Code, Section 11403.1(b)(1) states that in order for a child to be eligible for STEP, they must have emancipated from Foster Care, it is necessary to define which children would be in Foster Care. Children whose parents’ parental rights have been terminated are eligible for Foster Care under specified circumstances.

#### Section 90-205(v)(1)

##### Specific Purpose/Factual Basis:

This section defines “Voluntary Placement” and is consistent with the definition at MPP Section 45-101(v)(1). Because Welfare and Institutions Code, Section 11403.1(b)(1) states that in order for a child to be eligible for STEP, they must have emancipated from Foster Care, it is necessary to define which children would be in Foster Care. Children who were in Foster Care because of a Voluntary Placement by their parents are eligible for Foster Care under specified circumstances.

#### Section 90-205(w)(1)

##### Specific Purpose/Factual Basis:

This section defines “ward” and is consistent with Welfare and Institutions Code, Sections 601 and 602. Because Welfare and Institutions Code, Section 11403.1(b)(1) states that in order for a child to be eligible for STEP, they must have emancipated from Foster Care, it is necessary to define which children would be in Foster Care. A ward is one of the children eligible for Foster Care under specified circumstances.

#### Section 90-210

##### Specific Purpose/Factual Basis:

This section identifies the eligibility criteria for the STEP Program and is necessary for clarity.

#### Sections 90-210.1 and .11

##### Specific Purpose:

These sections are being adopted to comply with the addition of Welfare and Institutions Code, Section 11403.1(b)(1) which requires that a youth must have emancipated from Foster Care or Kin-GAP (generally at 18, sometimes 19) and be under 21 years of age to be eligible for STEP [Welfare and Institutions Code, Section 11403.1(b)(3)].

##### Factual Basis:

Assembly Bill (AB) 427 added Welfare and Institutions Code, Section 11403.1(b)(1) which requires that a youth must have emancipated from Foster Care or Kin-GAP upon reaching the age limit specified in Welfare and Institutions Code, Section 11401 or 11363 (generally 18, sometimes 19) and be under 21 years of age to be eligible for STEP [Welfare and Institutions Code, Section 11403.1(b)(3)]. Thus, these sections are necessary to define the eligible age group.

#### Sections 90-210.2 and .21

Specific Purpose:

These sections are being adopted to comply with the adoption of Welfare and Institutions Code, Section 11403.1(b)(1) which requires that the youth have emancipated from Foster Care or Kin-GAP.

Factual Basis:

Assembly Bill (AB) 427 (Chapter 125, Statutes of 2001) added Welfare and Institutions Code, Section 11403.1(b)(1) which requires that a youth must have emancipated from Foster Care or Kin-GAP. In order to define who can emancipate from Foster Care or Kin-GAP, it is necessary to define which children can be in Foster Care or Kin-GAP. Section 90-210.21 specifies that children who are receiving a Kin-GAP payment on their 18<sup>th</sup> birthday are children who have “emancipated” from Kin-GAP and are, therefore, eligible for STEP (provided all other eligibility criteria are met). For a Kin-GAP youth who receives a payment until their 19<sup>th</sup> birthday, they will also have been receiving a payment on their 18<sup>th</sup> birthday.

Section 90-210.22

Specific Purpose/Factual Basis:

This section specifies that the youth must have been in Foster Care on the day before their 18<sup>th</sup> birthday. For children who emancipate from Foster Care at 18, their eligibility ceases the day before their 18<sup>th</sup> birthday (see MPP Section 45-302.51). For a Foster Care youth who emancipates at 19, they will also have been in Foster Care on the day before their 18<sup>th</sup> birthday.

This section is being adopted to comply with the addition of Welfare and Institutions Code, Section 11403.1(b)(1) which requires that the youth have emancipated from Foster Care or Kin-GAP. This section clarifies which children are in “Foster Care.”

Section 90-210.221

Specific Purpose:

This section is being adopted to comply with the addition of Welfare and Institutions Code, Section 11403.1(b)(1) which requires that the youth have emancipated from Foster Care. This section adopts a criterion for emancipation from Foster Care, more specifically, that the applicant must have been a court dependent.

Factual Basis:

AB 427 added Welfare and Institutions Code, Section 11403.1(b)(1) which requires that a youth must have emancipated from Foster Care. In order to define who can emancipate from Foster Care, it is necessary to define which children can be in Foster Care. MPP Section 45-203.31 specifies that children in Foster Care must have some legal standing to be in Foster Care. In other words, either a court must have awarded custody of the child to the county agency, the parents must have voluntarily relinquished custody to the county, or the child is the ward of a legal guardianship. [See Welfare and Institutions Code, Section 11401(a), (b), (c), or (d).] This section specifies that the child must have been a court dependent pursuant to Welfare and Institutions Code, Section 300 (see Welfare and Institutions Code, Section 11401(b)(1) and MPP Section 45-203.313).

Section 90-210.222

Specific Purpose:

This section is being adopted to comply with the addition of Welfare and Institutions Code, Section 11403.1(b)(1) which requires that the youth have emancipated from Foster Care. This section adopts a criterion for emancipation from Foster Care, more specifically, that the applicant was a ward of the court and in a Foster Care placement.

Factual Basis:

AB 427 added Welfare and Institutions Code, Section 11403.1(b)(1) which requires that a youth must have emancipated from Foster Care. In order to define who can emancipate from Foster Care, it is necessary to define which children can be in Foster Care. MPP Section 45-203.31 specifies that children in Foster Care must have some legal standing to be in Foster Care. In other words, either a court must have awarded custody of the child to the county agency, the parents must have voluntarily relinquished custody to the county, or the child is the ward of a legal guardianship. [See Welfare and Institutions Code, Section 11401(a), (b), (c), or (d).] This section specifies that the child must have been a ward of the court pursuant to Welfare and Institutions Code, Section 601 or 602 (see Welfare and Institutions Code, Section 11401(b)(2) and MPP Section 45-203.313).

Section 90-210.223

Specific Purpose:

This section is being adopted to comply with the addition of Welfare and Institutions Code, Section 11403.1(b)(1) which requires that the youth have emancipated from Foster Care. This section adopts a criterion for emancipation from Foster Care, more specifically, that the applicant was in a Foster Care placement pursuant to a voluntary placement agreement.

Factual Basis:

AB 427 added Welfare and Institutions Code, Section 11403.1(b)(1) which requires that a youth must have emancipated from Foster Care. In order to define who can emancipate from Foster Care, it is necessary to define which children can be in Foster Care. MPP Section 45-203.31 specifies that children in Foster Care must have some legal standing to be in Foster Care. In other words, either a court must have awarded custody of the child to the county agency, the parents must have voluntarily relinquished custody to the county, or the child is the ward of a legal guardianship. [See Welfare and Institutions Code, Section 11401(a), (b), (c), or (d).] This section specifies that the child must have been placed in to Foster Care pursuant to a voluntary placement agreement between the child's parents and the county (see Welfare and Institutions Code, Section 11401(c) and MPP Section 45-203.314).

Section 90-210.224

Specific Purpose:

This section is being adopted to comply with the addition of Welfare and Institutions Code, Section 11403.1(b)(1) which requires that the youth have emancipated from Foster Care. This section adopts a criterion for emancipation from Foster Care, more specifically, that the parental rights of the parent(s) of the applicant were either relinquished or terminated involuntarily and the applicant was in a Foster Care placement.

Factual Basis:

AB 427 added Welfare and Institutions Code, Section 11403.1(b)(1) which requires that a youth must have emancipated from Foster Care. In order to define who can emancipate from Foster Care, it is necessary to define which children can be in Foster Care. MPP Section 45-203.31 specifies that children in Foster Care must have some legal standing to be in Foster Care. In other words, either a court must have awarded custody of the child to the county agency, the parents must have voluntarily relinquished custody to the county, or the child is the ward of a legal guardianship. [See Welfare and Institutions Code, Section 11401(a), (b), (c), or (d).] This section specifies that the parental rights to the child must have been severed either voluntarily or involuntarily (see Welfare and Institutions Code, Section 11401(a) and MPP Section 45-203.311).

Section 90-210.225

Specific Purpose:

This section is being adopted to comply with the addition of Welfare and Institutions Code, Section 11403.1(b)(1) which requires that the youth have emancipated from Foster Care. This section adopts a criterion for emancipation from Foster Care, more specifically, that the applicant was the ward of a legal guardian and receiving a State Aid to Families with Dependent Children – Foster Care Payment.

Factual Basis:

AB 427 added Welfare and Institutions Code, Section 11403.1(b)(1) which requires that a youth must have emancipated from Foster Care. In order to define who can emancipate from Foster Care, it is necessary to define which children can be in Foster Care. MPP Section 45-203.31 specifies that children in Foster Care must have some legal standing to be in Foster Care. In other words, either a court must have awarded custody of the child to the county agency, the parents must have voluntarily relinquished custody to the county, or the child is the ward of a legal guardianship. [See Welfare and Institutions Code, Section 11401(a), (b), (c), or (d).] This section specifies that the applicant must have been a ward of a legal guardianship (see Welfare and Institutions Code, Sections 11401(d) and MPP Section 45-203.312).

Handbook Section 90-210.23

Specific Purpose/Factual Basis:

This section merely clarifies that a child does not necessarily have to receive an Aid to Families with Dependent Children - Foster Care (AFDC-FC) Payment in order to receive a STEP payment. They simply must be considered in Foster Care or have received a Kin-GAP Payment.

Sections 90-210.3, .31, and .32

Specific Purpose:

These sections are adopted to provide eligibility criteria for a STEP payment, more specifically, regarding the STEP – TILP.

Factual Basis:

These sections are adopted to comply with the addition of Welfare and Institutions Code, Section 11403.1(b)(2) which requires that in order to receive a STEP payment, the youth must be participating in “an educational or training program, or any activity consistent with his or her transitional independent living plan.”

CDSS is incorporating by reference, pursuant to the California Code of Regulations, Title 1, Chapter 1, Section 20, the STEP 8 – Supportive Transitional Emancipation Program – Transitional Independent Living Plan (Step 8, Revision 8/02). This form is not printed in the CDSS Manual of Policies and Procedures because it would be cumbersome and impractical. However, this form is available from the Department at (916) 657-2586.

#### Sections 90-210.4 and .41

##### Specific Purpose:

These sections are adopted to provide an eligibility criterion for a STEP Payment, more specifically, regarding that the youth must have emancipated from a county which is participating in STEP.

##### Factual Basis:

These sections are adopted to comply with the addition of Welfare and Institutions Code, Section 11403.1(b)(4) which requires that an eligible youth has emancipated from a county that is participating in the STEP Program. Welfare and Institutions Code, Section 11403.1(a)(3) states that the STEP Program is optional and counties must elect to participate.

#### Sections 90-215 (Title), .1, and .11

##### Specific Purpose:

These sections are adopted to define which county has payment responsibility for the STEP payment.

##### Factual Basis:

AB 427 added Welfare and Institutions Code, Section 11403.1. Welfare and Institutions Code, Section 11403.1(a)(3) states that participation in the STEP Program by the counties is voluntary. Applicants are only eligible for STEP if the county from which they emancipated is a participant in the STEP Program [see Welfare and Institutions Code, Section 11403.1(b)(4)]. In addition, Welfare and Institutions Code, Section 11403.1(g)(1) provides that “Aid under this section shall be provided to eligible youth who have emancipated from a county that elects to participate under this section.” Accordingly, payment responsibility must rest with that county.

#### Section 90-215.2

##### Specific Purpose/Factual Basis:

This section is adopted to provide a section title to subsections that clarify the various administrative functions the county must perform with respect to each application and on-going case. This title is necessary for clarity and consistency.



#### Section 90-215.21

##### Specific Purpose/Factual Basis:

This section is adopted to clarify that the county with payment responsibility shall process the child's application.

#### Section 90-215.22

##### Specific Purpose:

This section is adopted to clarify that the county with payment responsibility, as defined in Section 90-215.11, is the county which must prepare a STEP - TILP for the child and help the child to attain the goals identified in the STEP - TILP.

##### Factual Basis:

Welfare and Institutions Code, Section 11403.1(b)(2) requires the STEP eligible child to be participating in an educational or training program consistent with his STEP - TILP. Since the child must participate to be eligible, the county must prepare the TILP for the child.

CDSS is incorporating by reference, pursuant to the California Code of Regulations, Title 1, Chapter 1, Section 20, the STEP 8 – Supportive Transitional Emancipation Program – Transitional Independent Living Plan (Step 8, Revision 8/02). This form is not printed in the CDSS Manual of Policies and Procedures because it would be cumbersome and impractical. However, this form is available from the Department at (916) 657-2586.

#### Sections 90-215.23, .231, and .232

##### Specific Purpose:

These sections are adopted to clarify that the county shall annually review the STEP youth circumstances which are subject to change. These sections comply with the addition of Welfare and Institutions Code, Section 11403.1(c) which require the child's STEP - TILP to be reviewed annually.

##### Factual Basis:

AB 427 added Welfare and Institutions Code, Section 11403.1(c) which requires that the STEP youth's STEP - TILP shall be reviewed annually. Section 90-215.231 adopts this requirement in the regulations. Since the child's eligibility (such as age) should also be reviewed periodically, tying an annual eligibility redetermination to the STEP - TILP review is administratively efficient.

CDSS is incorporating by reference, pursuant to the California Code of Regulations, Title 1, Chapter 1, Section 20, the STEP 2 – Referral, Transmittal, and Communication Form (Step 2, Revision 4/02). This form is not printed in the CDSS Manual of Policies and Procedures because it would be cumbersome and impractical. However, this form is available from the Department at (916) 657-2586.

#### Sections 90-215.3 and .31

##### Specific Purpose:

These sections are adopted to comply with the addition of Welfare and Institutions Code, Section 11403.1(g) which provides that participation in the STEP Program by counties is optional. Also, this section clarifies that for counties who participate in the STEP Program, a Letter of Intent shall be filed from that county to CDSS no later than April 1<sup>st</sup> of each year.

##### Factual Basis:

AB 427 added Welfare and Institutions Code, Section 11403.1(g)(1) which provides, “Aid under this section shall be provided to eligible youth who have emancipated from a county that elects to participate under this section.” Accordingly, a county must elect to participate, and the program is, therefore, optional. The CDSS needs to know which counties intend to participate in order to properly budget for the program and monitor the expenditures of STEP funding. Thus, a Letter of Intent is necessary from participating counties so that the CDSS is aware of which counties have chosen to participate.

#### Sections 90-215.32, .321, and .322

##### Specific Purpose:

These sections are adopted to instruct counties as to what procedures they must undertake to discontinue participation in the STEP program.

##### Factual Basis:

Welfare and Institutions Code, Section 10554 gives the CDSS the authority to adopt regulations to implement programs under its jurisdiction.

“The department shall adopt regulations, orders, or standards of general application to implement, interpret, or make specific the law enforced by the department...”

AB 427 did not specifically address requirements for termination of STEP in a county. The CDSS has determined it is necessary to protect youth who are served by the STEP should a county choose to terminate its program. These youth may have relied on the monthly stipend and enrolled in a vocational or educational program and their completion of such program could be jeopardized if the STEP funding simply ceased. Accordingly, under its general authority to implement the program in Welfare and Institutions Code, Section

10554, the CDSS has determined that if a county chooses to discontinue the STEP in their county, they must continue to serve those youth currently enrolled in the program until they are no longer age eligible or voluntarily leave. Counties have been informed of this requirement both via All-County Letter and in these regulations so that they can make an informed decision prior to their opting to participate in STEP. Once a county has chosen to discontinue STEP in its county, it must notify the CDSS in writing 90 days prior to termination. This gives CDSS the necessary lead time to adjust budgeting and claiming mechanisms.

#### Sections 90-220 (Title), 220.1, and 220.11 (Handbook)

##### Specific Purpose:

These sections are adopted to specify how counties shall determine STEP rates. These sections comply with Welfare and Institutions Code, Section 11403.1(e)(1).

##### Factual Basis:

AB 427 added Welfare and Institutions Code, Section 11403.1(e)(1) which provides that the STEP rate “shall be equivalent to the basic rate provided to a foster family home provider pursuant to Section 11461.” Accordingly, this section mandates that rates shall be determined in accordance with Welfare and Institutions Code, Section 11403.1(e)(1). Because this figure generally changes annually due to cost of living adjustments, the actual figure currently in effect is included in handbook.

#### Section 90-220.2

##### Specific Purpose:

This section is adopted to indicate when the STEP payment should be provided to the recipient.

##### Factual Basis:

Welfare and Institutions Code, Section 10554 gives the CDSS the authority to adopt regulations to implement programs under its jurisdiction.

“The department shall adopt regulations, orders, or standards of general application to implement, interpret, or make specific the law enforced by the department...”

AB 427 did not specifically address requirements for when a payment shall be made. The CDSS has determined that it best suits the needs of the emancipating foster or Kin-GAP youth to have the funds available as soon as possible, so that they may use those funds for items such as deposit on an apartment, school tuition, utilities’ deposits, etc. Accordingly, this section instructs counties to pay STEP prospectively rather than retrospectively in order to more efficiently transition former foster and Kin-GAP youth to independence.

b) Identification of Documents Upon Which Department Is Relying

Assembly Bill 427, Chapter 125, Statutes of 2001

c) Local Mandate Statement

These regulations do constitute a mandate on local agencies, but not on local school districts. Local agency participation in STEP is optional. If the local agency chooses to participate in STEP then there are state-mandated local costs that require reimbursement, which is provided in the Budget Act.

d) Statement of Alternatives Considered

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.